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FILED

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Clerk, U.S. District Court
District Of Montana
Great Falls

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, BILLINGS DIVISION

TERESA HAWLEY, individually and as the)
natural parent and guardian of MIKEKEL)
SILAS, a minor,)

Plaintiff,)

-vs-)

WALLISA DONEY, INDIAN HEALTH)
SERVICES d.b.a. EAGLE CHILD HEALTH)
CENTER, JOHN DOES 1-5 and ABC)
COMPANIES 1-3)

Defendants.)

CAUSE NO. CV-13-27-BLG-RFC

COMPLAINT AND DEMAND FOR
JURY TRIAL

COMES NOW the Plaintiff, Teresa Hawley, individually and as natural parent and guardian of Mikekel Silas, a minor, and for her Complaint, alleges as follows:

COUNT I: GENERAL ALLEGATIONS

1. Teresa Hawley and her minor son, Mikekel Silas, are and were at all times relevant residents of Hays, Montana.
2. Upon information and believe, Defendant Walissa Doney is and was at all times relevant a resident of Hays, Montana.
3. Upon information and believe, Defendant Eagle Child Health Center is an United States Government, Indian Health Services facility doing business in Hays, Montana.
4. Upon information and believe Defendant Wallisa Doney was employed by Defendant Eagle Child Health Center, a government agency, at all times relevant.
5. Defendants John Does 1-5 and ABC Companies 1-3 are unknown to Plaintiff, at this time, but may be liable for the damage to the Plaintiffs. When Plaintiffs have more information on John Does 1-5 and ABC Companies 1-3 a motion to add parties will be made.
6. A Federal Tort Claim was filed and acknowledged by the Department of Health & Human Services, Office of the General Counsel on April 24, 2012, six months has passed and no further action was taken by the Department of Health & Human Services Office of the General Counsel.

COUNT II: NEGLIGENCE/NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

7. Plaintiff reincorporates paragraphs 1 through 6, as if fully set forth.
8. On or about October 29, 2010, Wallisa Doney, an Indian Health Services (hereinafter "IHS"), Eagle Child Health Center employee, while driving through the Cree Village in Hays, Montana, ran over Mikekel Silas. Wallisa got out of her vehicle to check on the child, handed him to his parents and then left the scene of the incident without reporting it.
9. At the time of the incident Wallisa was acting in the nature and scope of her employment with IHS, Eagle Child Health Center.
10. Defendant Wallisa Doney was the sole cause of the collision. She was driving inattentively and failed to keep a proper lookout, as a result she ran over a small child. She was negligent and negligent per se.
11. As a result of the collision, Mikekel Silas received serious injury and damages.
12. Plaintiff was not a cause of the collision or Mikekel's injuries or damages.

13. Defendants were negligent in causing the collision and failing to remain at the scene of a collision and failing to report a collision.
14. Defendants negligent actions caused severe emotional distress to Plaintiff Teresa Hawley.
15. Defendants knew or should have known that negligently failing to keep a proper look out and driving inattentively would result in injuries and damages to Plaintiff and her minor son, Mikelel Silas.
16. Defendants knew or should have known that Plaintiff and her minor son, Mikelel Silas was injured.
17. Defendant Wallisa Doney negligently left the scene and failed to report the incident knowing that Plaintiff and her minor son, Mikelel required medical attention.
18. Plaintiffs injuries were a foreseeable result of Defendants negligent inattentive driving, failing to keep a proper look out and fleeing the scene of the collision without reporting it.

COUNT III: PUNITIVE DAMAGES

19. Plaintiff reincorporates paragraphs 1 through 18, as if fully set forth.
20. Defendants Wallisa Doney, IHS and Eagle Child Health Center had knowledge of facts or intentionally disregarded facts that tended to

create a high probability of injury to Plaintiff Teresa Hawley and her minor son, Mikekel Silas.

21. Defendants Wallisa Doney, IHS and Eagle Child Health Center continued to act in conscious or intentional disregard to the high probability of injury to Teresa Hawley and her minor son, Mikekel Silas.

22. Defendants Wallisa Doney, IHS and Eagle Child Health Center continued to act with indifference to the high probability of injury to Plaintiff Teresa Hawley and her minor son, Mikekel Silas.

23. The acts and omissions of Defendants Wallisa Doney, IHS and Eagle Child Health Center were intentional and/or in reckless disregard of the rights and safety of Plaintiff Teresa Hawley and her minor son, Mikekel Silas thereby entitling them to an award of punitive damages against Defendants Wallis Doney, IHS and Eagle Child Health Center.

WHEREFORE, Plaintiff prays:

1. For an award of all special and general damages in an amount to be proven at trial;
2. For punitive damages for the sake of punishing Defendants and deterring similar unwarranted and unlawful conduct;

3. For costs and fees as allowed by law; and
4. For all other relief the Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all issues.

DATED this 20 day of February, 2013.

HARTELUS, DUROCHER & WINTER, P.C.



Channing J. Hartelius